IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1002 OF 2006
AND
CRIMINAL APPLICATION NO. 1005 OF 2006
IN
CRIMINAL APPEAL NO. 836 OF 2000

Madhu Limji Bhai Patel @ Madhu (Cri. Appln.No.1002/06)..... Applicant.
V/s (Orig.Accd.No.4)
Union Territory of Dadra & Nagar Haveli (Through CBI,SB-II Delhi).... Respondent.
AND
Vinu Holia Pagi @ Vinu (Cri. Appln.No.1005/06)..... Applicant.
V/s (Orig.Accd.No.3)
Union Territory of Dadra & Nagar Haveli (Through CBI,SB-II Delhi).... Respondent.

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| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's Orders |
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Mr.S.V.Marwadi with Mr.A.P.Mundargi, Sr. Adv. For the applicant in Cri.Appication No.1002 of 2006.

Mr.C.M.Kothari, Adv. For the applicant in Cri. Application No.1005 of 2006.

Mr.V.G.Pradhan with Mr.V.C.Gupte, Sr.Adv. For Respondent No.1.

Smt.V.R.Bhosale, APP for Respondent No.2

**CORAM:V.G. PALSHIKAR, Ag. C.J.**
AND
**SMT.NISHITA MHATRE, J.**

27.9.2006.

PC:

Both these applications are filed in Criminal Appeal Nlo.836 of 2000. It is pending

for all these years because some of the accused persons having been acquitted an appeal against acquittal is preferred and is pending before the Supreme Court.

2. In our opinion, it cannot be just and proper to proceed with the hearing of these appeals when the appeal against acquittal is pending hearing before the Supreme Court.

3. The accused persons are in jail for last several years. It is settled law that if accused persons are required to be in jail for a longer period because of the pendency of appeal for which they are not responsible then it is a fit case for grant of bail. In such circumstances these applications have been made as per earlier order which observed that if the appeal is not heard till end of 2005 applicants can move this Court for bail. Accordingly these applications are filed. They were listed for orders on two occasions earlier and adjournment was sought on behalf of the administration.

4. Taking into consideration the circumstances mentioned above in our opinion it will be just and proper to release the applicants on bail. Both the applicants are released on bail in the sum of Rs.40,000/- each with two sureties each in the like amount.

27.9.06